



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701

Case No. D-111-CR-23-001439

STATE OF MARYLAND

VS.

MACK, KEVIN EUGENE

43 N BROAD ST
YORK, PA 17403-0000

CC#: 23-069334

Tracking No: 231001315370

Home phone:

Cellphone:

Charge | Statute | Arrest

MURDER - FIRST DEGREE | CR 2 201 |

FIREARM USE/FEL-VIOL CRIME | CR 4 204 b |

Charge | Statute | Arrest

MURDER-SECOND DEGREE | CR 2 204 |

Date: 08/24/2023

ARREST WARRANT

Warrant Control No. D220377916

STATE OF MARYLAND, Frederick County
TO ANY PEACE OFFICER:

An order of the court was entered on 08/24/2023, ordering the arrest of MACK, KEVIN EUGENE to be brought before this court for an Initial Appearance.

YOU ARE ORDERED to immediately arrest the above-named person who resides or may be located at:
43 N BROAD ST, YORK, PA 174030000.

**IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,
Initial appearance is to be held in county in which defendant is arrested.**

YOU ARE FURTHER DIRECTED:

☒ to immediately take this person before a judicial officer of the District Court; or if the warrant so specifies, before a judicial officer of the circuit court. An appearance by video satisfies the requirements of this directive.

☐ to hold this person at _____ pending their appearance in the above-named court on the first sitting of the court following their apprehension.

☐ **IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this warrant is to be lodged as a detainer for the continued detention of the defendant for the offense charged in the charging document. When the the defendant is served with a copy of the charging document and warrant, the defendant shall be taken before a judicial officer of the district court; or if the warrant so specifies, before a judicial officer of the circuit court.**

☐ _____
Specify other directions as needed

LOCAL DETENTION CENTER, JAIL OR BOOKING FACILITY: YOU ARE ORDERED to:

☐ Receive from any officer the body of the above-named defendant who is COMMITTED TO YOUR CUSTODY.

☐ Transfer the defendant to: _____
Facility Name and Address

The defendant, once transferred, shall be taken without unnecessary delay, before this court during the next session to answer these charges.

Date: 08/24/2023 Time: 1:37 PM

ID: B035

Judge/Commissioner/Clerk of the Circuit Court

Description: Driver's License # 34532961 PA

Race: B Sex: M Ht: 5'09" Wt: 0 Hair: BLK Eyes: BRO

DOB: 12/19/1980

FBI #

SID #

Complexion _____

Tattoos, Marks, Scars _____

Other _____

Given to Law Enforcement Agency: **FREDERICK CITY POLICE DEPT**

RETURN OF SERVICE

☐ I certify that at _____ M on _____ at _____
Time Date

_____, I executed this arrest warrant by arresting the person named above
Place
and delivered a copy of the arrest warrant to them.

☐ I left a copy of the warrant and charging document as a detainer for the continued detention of the person named above at: _____

Detention Facility

Address

Signature of Peace Officer

Title

Agency

Sub-Agency

ID Number



DISTRICT COURT OF MARYLAND FOR Frederick County

Located at 100 West Patrick St, Frederick, Maryland 21701



Case No. D-111-CR-23-001439

STATE OF MARYLAND

VS.

MACK, KEVIN EUGENE

COMPLAINANT:

Officer: DET NICOLE SMITH

Agency/Subagency: BS 7035

Officer ID: 0525

43 N BROAD ST
YORK, PA 17403

CC#: 23-069334

LID:

Race: B Sex: M

DOB: 12/19/1980

SID:

DL#: 34532961 PA

Wt:

Home phone:

FBI#:

Hair: BLK Eyes: BRO

Cellphone:

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF Officer: DET NICOLE SMITH IT IS FORMALLY CHARGED THAT MACK, KEVIN EUGENE at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	1 0990	CR 2 201	0 L	MURDER - FIRST DEGREE On or About 08/23/2023 160 WILLOWDALE DR APT J204 FREDERICK, MD did feloniously, willfully and with deliberately premeditated malice aforethought, kill and murder KAGINA MARIE BROWN. Against the Peace, Government, and Dignity of the State.
002	1 1107	CR 2 204	40 Y	MURDER-SECOND DEGREE On or About 08/23/2023 160 WILLOWDALE DR APT J204 FREDERICK, MD ... did feloniously and with malice aforethought, kill and murder KAGINA MARIE BROWN. Against the Peace, Government, and Dignity of the State.
003	1 5299	CR 4 204 (b)	20 Y	FIREARM USE/FEL-VIOL CRIME On or About 08/23/2023 160 WILLOWDALE DR APT J204 FREDERICK, MD ... did use a firearm in the commission of a crime of violence. Against the Peace, Government, and Dignity of the State.

Date : 08/24/2023 Time : 1:33 PM

Tracking No. 231001315370

Judicial Officer: 

B035

DV



DISTRICT COURT OF MARYLAND FOR Frederick County

(City/County)

LOCATED AT (COURT ADDRESS)
100 W Patrick St.

Frederick, MD 21701

D-111-CR-23-001439



COMPLAINANT

Detective Nicole Smith

Printed Name

100 W Patrick St.

Address

Frederick, MD 21701

City, State, Zip

BS 7035 #0525

Agency, Sub-agency, and I.D. #

3016002101

Telephone

(Officer Only)

Kevin Eugene Mack

Printed Name

43 N Broad St.

Address

York, PA 17403

City, State, Zip

CC# 2023-069334

NA

Telephone

DEFENDANT'S DESCRIPTION: Driver's License # 34532961 Sex M Race B Ht 5'09 Wt NA
 Hair BLK Eyes BRWN Complexion DARK Other NA DOB 12/19/1980 ID

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of

(Include a statement of facts within your personal knowledge (what you saw or heard, what someone said to you, etc.) showing that there is probable cause to believe that a crime has been committed and that the defendant has committed it. Please see the "NOTICE TO APPLICANT FOR A CHARGING DOCUMENT" for further information.)

I, the undersigned, apply for a statement of charges and a summons or warrant which may lead to the arrest of the above named defendant because on or about 08/23/2023 at 160 Willowdale Dr. Apt J204 Frederick, MD

Date

Place

, the above named defendant

SEE ATTACHED

(Continued on attached pages) (DC-CR-001A)

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

08/24/2023

Date

Officer's Signature

Detective Nicole Smith #0525

Printed Name

I have read or had read to me and I understand the notice on the back of this form.

08/24/2023

Date

Applicant's Signature

Detective Nicole Smith #0525

Printed Name

Subscribed and sworn to before me

Date

at 10:55 AM

Time

Maryanne Higgins

Commissioner

Judge/Commissioner

ID Number

I understand that a charging document will be issued and that I must appear for trial on at , when notified by the clerk, at the court location shown at the top of this form.

Time

Date

Applicant's Signature

☐ The applicant requests reasonable protection for safety of the alleged victim or the victim's family:

(Describe)

☐ I have advised applicant of the right to request shielding. ☐ The applicant declines shielding.

☐ I declined to issue a charging document because of lack of probable cause.

Date

Commissioner

ID Number

**DISTRICT COURT OF MARYLAND FOR** Frederick County

LOCATED AT (COURT ADDRESS)

100 W Patrick St.

Frederick, MD 21701

DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Mack, Kevin, E.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page ____ of ____

On August 23, 2023, at 11:51 PM, officers with the Frederick Police Department (" FPD") responded to 160 Willowdale Drive, Apt. J-204, Frederick, MD for a shooting. Information from dispatch was that someone shot a gun multiple times inside of the apartment. Additional information was that someone was shot inside of the apartment.

At 11:51 PM, a female later identified as Ebony Mack (Ebony) called 911 and reported a shooting inside of her apartment. According to the 911 notes, " someone saying person shot in house" .

It was later learned from the 911 audio that Ebony had additionally stated the following, while extremely distraught:

" I was asleep and it was like a banging noise and my boyfriend said (inaudible) what was they doing in the room and in the process of that ... I heard the female screaming and stuff and I' m like ' open the door, open the door' and everything just went left right there... I guess he tried to choke her or something and she tried to get out the room and he choked her and a shot went off... it was some fucked up shit bro" .

At 11:50 PM, an additional 911 call was received at 160 Willowdale Drive. The person identified as " Tony" reported, " My girlfriend' s brother has a gun and is paranoid" . The caller the reportedly yelled at someone and the call disconnected. The 911 call was received from phone number 771-200-0731. This phone number was determined to have been used previously by Ebony' s boyfriend, identified as Kelvin West. Kelvin confirmed in a later interview that he made this call.

Cpl. Sean Carpenter arrived and located Ebony and Kelvin on the side of the apartment building. Ebony reported that after she and Kelvin went to sleep, they heard gunshots from within the apartment and fled. She reported that that her brother, Kevin Mack and a female she only knows as " GiGi" came to the apartment on Sunday.

FPD officers later contacted Mack inside of the apartment, sitting on a couch with his hands raised as police entered, next to a handgun; later identified as a loaded Taurus Millennium G2 firearm. Please note the Taurus shoots .40 caliber. Mack was handcuffed and removed from the apartment. Officers then located an African American female, believed to be in her 20' s-30' s, lying in a bedroom with her head and body positioned facing towards the door, with multiple gunshot wounds, to include a gunshot injury to the back of her head. During the execution of a search warrant of the apartment, and inspection of the weapon, suspected blood blowback was observed on the firearm. Officers also observed a gun holster with the gun missing in the room where the Victim was located, (2) 40 caliber cartridge casing, and a bullet projectile in the wall.

Fire & EMS personnel arrived and provided patient care to the victim, later identified by her Pennsylvania identification card as Kagina Marie Brown (Victim). BROWN was transported to Frederick Health Hospital (" FHH"). FHH personnel provided patient care to the victim, however the victim was pronounced deceased at 12:36 AM on August 24, 2023. Her body has been transported to the Office of the Chief Medical Examiner for autopsy.

08/24/2023

Date

Applicant's Signature

Detective Nicole Smith #0525

Printed Name

TRACKING NUMBER

**DISTRICT COURT OF MARYLAND FOR Frederick County**

LOCATED AT (COURT ADDRESS)

100 W Patrick St.

Frederick, MD 21701

DISTRICT COURT
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(City/County)

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Mack, Kevin, E.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page ____ of ____

MACK was taken back to CID by patrol officers. When MACK was being walked to a patrol car by OFF Briggs, MACK made the following statements spontaneously " fucked a nigga whole life up" " a nigga was doing good and everything" " fuck was I supposed to do" " damn man" " crazy" " many many many times, every fucking day for the last 5 months, fuck!" " said leave me alone" " damn man!" " fuck man" .

OFC Copp transported MACK to CID. During which, MACK made voluntary statements that he " fucked" up his life, he was doing good and " fucked" it up. OFC Copp advised while at CID, the MACK' s eyes were red and watery, but it' s unsure if he was crying.

Detective Sharpe and I attempted to interview MACK. MACK appeared to have been sleeping and was unable to stay awake during this interview. MACK was read his Miranda Rights, which he said he understood and would talk. MACK would then continue to fall asleep. The decision was made to not continue forward with this interview.

Detective Chris Sharpe contacted Ebony and conducted an interview.

On the night of August 23, 2023, Ebony and Kelvin went to bed sometime between 9 PM to 10 PM. They awoke after hearing a " popping" sound coming from within the apartment. Ebony and Kelvin ran out of the apartment. Ebony confirmed that no one else had been in the apartment except for her boyfriend, Mack and BROWN.

Kelvin and Ebony were both again interviewed separately by Detective Sharpe and myself.

Kelvin stated that he was laying in bed when he heard loud thuds coming from the children' s bedroom. Kelvin advised he sat up in bed and thought to himself that Kevin and his girl were having sex. Kelvin advised he did not hear Kevin and his girl fighting. Kelvin advised he walked out into the hallway and noticed the door to the children' s room was shut. Kelvin advised shortly later heard a " pow" . Kelvin said during this that he wasn' t sure if he heard one or two " pows" . Kelvin advised he wasn' t sure what that was but assumed it to be a gun shot. Kelvin yelled for Ebony, and both ran out of the house, where they called 911. He confirmed that no one had been in the apartment other than himself, Ebony, Kevin Mack and the Victim. When asked about seeing the gun, Kelvin advised he never actually saw Kevin with a gun but with the " pow" sound, he assumed he had a gun.

Detective Sharpe and I then interviewed Ebony. Please note we did not have the audio recordings to her 911 call during this interview. Ebony advised she was at home during the night and around 2100 hours she began getting tired and went to bed.

Ebony advised an unknown amount of time went by and she woke up to the sound of " pow" . Ebony advised she and Kelvin then ran out of the apartment because she was unsure what was going on. This is when they called 911.

08/24/2023

Date

Applicant's Signature

Detective Nicole Smith #0525

Printed Name

TRACKING NUMBER

**DISTRICT COURT OF MARYLAND FOR** Frederick County

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Mack, Kevin, E.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page ____ of ____

Ebony did state at some point she had been crying and when asked why she would be crying if she had been sleeping and woken up abruptly, she said she has a lot on her plate and a lot falling on her shoulders.

Ebony was asked if she knew if Kevin had a gun, which she stated she never saw gun, never heard him mention gun or knew if he had a gun prior to this incident.

Ebony was asked about the relationship between Kevin and Gigi, which she stated she didn't know much about Gigi but that she mentioned having two children.

Detective Dewees authored a search & seizure for the apartment on Willowdale Drive and for Mack's vehicle.

Detectives with the major crime unit and CSI had executed the search warrant at 160 Willowdale Dr apt J204. During the search, the Taurus Millennium G2 firearm (loaded) was located on the couch in the living room, where it was observed by responding officers. In the bedroom where the victim was located (secondary bedroom), the empty plastic holster, (2) 40 caliber cartridge casings, projectile in the wall, Iphone in black case, and clothing item with blood were all located and seized. In the kitchen/hallway, the victims clothing (4 items) were collected. In the kitchen, a phone (black android in case) was located. In between the living room and hallway was an additional projectile that was located on the floor. Please note this projectile was within the items next to where the victim's head was in the secondary bedroom. When items were moved away from the blood and placed in the hallway, the projectile appeared.

During the search of Mack's vehicle, detectives recovered a white purse on the passenger side rear floorboard. Inside of the purse is a Pennsylvania MVA ID card with a picture and name of KAGINA MARIE BROWN, date of birth: 05/20/2004, Detectives displayed the identification to Ebony who confirmed that this was in fact the Victim, who she knew as "Gigi."

I then contacted MACK at FPD headquarters and asked if he would like to speak to detectives regarding the incident last night, which he stated he would prefer to have a lawyer present. No further questioning was conducted at this time.

08/24/2023

Date

Applicant's Signature

Detective Nicole Smith #0525

Printed Name

TRACKING NUMBER

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DISTRICT COURT
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DEFENDANT'S NAME (LAST, FIRST, M.I.)

Mack, Kevin, E.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page ____ of ____

In summary: it was confirmed the only four individuals inside this apartment were Ebony, Kelvin, the Victim, and Kevin MACK.

? Both Ebony and Kelvin were in their rooms asleep. MACK and Victim were there to visit and were staying in the secondary bedroom. This is the bedroom where the victim was found, with at least one gun shot wound to the back of the head, with her body positioned facing towards the door.

? MACK made several spontaneous statements about " fucking his life up."

? There was a loaded .40 cal handgun with suspected blood spatter found in the living room, on the same couch Mack was sitting on when police first encountered him. Ebony confirmed this was not her gun and neither she nor Kelvin knew about this firearm.

? Both Ebony and Kelvin called 911 to report MACK had a gun, and Ebony indicated that he was having a physical altercation with his girlfriend, who was later identified and confirmed to be the Victim.

After consulting with ASA Brett Engler, I, Detective Nicole Smith am respectfully requesting the following charges and an arrest warrant on Kevin Eugene Mack (DOB: 12/19/1980):

? One count: **MURDER-FIRST DEGREE** (ADULT VICTIM) *1_0990* CR 2-201

? One count: **MURDER-SECOND DEGREE** (ADULT VICTIM) *1_1107* CR 2-204

? One Count: **FIREARM USE/FEL-VIOL CRIME** *1_5299* CR 4-204 (b)

? Oe count: **REG FIREARM: ILLEGAL POSS** *1_1106* PS 5-133(b)

? One Count: **FIREARM-POSS-CRIM VIO/FEL CONV** *1_1609* PS 5-133(c)

08/24/2023

Date

Applicant's Signature

Detective Nicole Smith #0525

Printed Name

TRACKING NUMBER

NOTICE OF ADVICE OF RIGHT TO COUNSEL FOR ALL JUDICIAL PROCEEDINGS

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) explaining any potential collateral consequences of a conviction, including immigration consequences;
 - (D) helping you at trial;
 - (E) helping you protect your constitutional rights; and
 - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

Contact information for District Court Commissioner's Offices can be found at:

<http://www.mdcourts.gov/district/directories/commissionermap.html>

If you require further information about qualifying for a Public Defender, call 1-833-453-9799.

NOTICE TO DEFENDANT

1. **MUST APPEAR** - If the offense with which you are charged is a 'MUST APPEAR' offense, you may not waive trial but are required to appear in court when notified. Drivers who receive payable citations included with a "Must Appear" citation automatically will receive a trial date notice for all citations. PLEASE NOTE THAT FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.
2. **PRESET FINE** - If ALL of your charges are marked "Payable", you must comply with one of the following within 30 days after receipt of the citation/summons.

OPTION #1 - Pay the full amount of the preset fine for each violation.

OPTION #2 - Request a waiver hearing regarding sentencing and disposition instead of trial - Plead Guilty With an Explanation. Do not send payment.

OPTION #3 - Request a trial date, time, and place established by the District Court of Maryland by writ or trial notice. Do not send payment.

Please note that payment of the preset fine will result in conviction for the offense(s) charged being entered against you and the case being closed. Please note further that points will be assessed by MVA on your driving record after conviction of a violation of the Motor Vehicle Laws of this State. Failure to pay the preset fine or to appear at trial, after notice, will result in the suspension of your driving privileges by the Motor Vehicle Administration.

FOR MORE INFORMATION AND TO PAY CITATIONS:

Visit the MD Judiciary Website at www.mdcourts.gov/district or call the Interactive Voice Response (IVR) System for trial dates, court locations, and directions.

From all areas including out-of-state calls: 1-800-492-2656

TTY users call Maryland RELAY: 711

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

Date

Defendant

Date

Judge/Commissioner

IMPORTANT NOTICE

The attached papers charge you with committing a crime. Depending on the crime charged, a **jail sentence** could be imposed by the court if you are found guilty. You have a right to be represented at trial by a lawyer. **ACT IMMEDIATELY** to obtain a lawyer. If you cannot afford a lawyer, you may apply for the Public Defender through the **District Court Commissioner** who will determine if you are eligible for the Public Defender to represent you at trial. If you wait too long to retain the Public Defender or private counsel you can be made to stand trial without a lawyer. Applications are accepted at any District Court Commissioner's Office during operating hours. Please contact the office listed below for operating hours:

District Court Commissioner Station for Frederick County
7300 MARCIE'S CHOICE LANE
Frederick, MD 21704
1-833-453-9799

You should bring the following papers to apply for the Public Defender's services:

1. Court charging documents/traffic tickets. (Statement of Charges/all documents issued to you by court).
2. Trial date notices from the court. (You may apply even if no trial date has been received.)
3. If you are employed:
Written proof of salary, pay stubs, or other written verification of income for the last two pay periods.
4. If you are unemployed:
Proof of public assistance, medical assistance, Social Security or Supplemental Security Income (SSI), or other assistance you are receiving.

For more information on operating hours or locations visit the Maryland Judiciary website:
mdcourts.gov/district/directories/commissionermap
If you require further information about qualifying for the Public Defender, call 1-833-453-9799.

IMPORTANT

IF THE COMMISSIONER DETERMINES THAT YOU ARE ELIGIBLE TO BE REPRESENTED BY THE PUBLIC DEFENDER AT TRIAL, YOU WILL RECEIVE A **FINAL QUALIFICATION** IN WRITING. ONCE YOU HAVE RECEIVED THE FINAL QUALIFICATION, ALL QUESTIONS SHOULD BE DIRECTED TO THE PUBLIC DEFENDER'S OFFICE:

The address of the Public Defender is: **COURTHOUSE**
100 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

Their telephone number is: **301-600-1988**

The Office of the Public Defender is open weekdays from 8:30 a.m. to 4:30 p.m.

I have read, or have had read to me, the contents of the above notice and acknowledge receipt of a copy thereof.

DATE

SIGNATURE OF DEFENDANT

**IF YOU DO NOT HAVE A LAWYER ON THE TRIAL DATE, YOU MAY
HAVE TO GO TO TRIAL WITHOUT THE ASSISTANCE OF A LAWYER.**